IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24737 of 2004

Between:

1 Dr. K.V.S.S. Narasimhama Rao, S/o. Late Sri K.V. Surya Rao,
R/o. Pathebad Road, R.R.Pet, Eluru, W.G.District.
2 Sri Bandaru Gangaraju, S/o. Subbaiah,
R/o. Pathebad Road, D.No. 25-1-34, R.R.Pet, Eluru, W.G.District.

..... PETITIONERS

AND

1 The District Collector, West Godavari District, Eluru.
2 The Commissioner, Eluru Municipality, Eluru, West Godavari Dsitrict.
3 The Chairperson, Eluru Municipality, Eluru, West Godavari Dsitrict.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to declare the inaction of the respondents herein in not taking steps to remove the unauthorized business in R.R.Peta, Eluru, as illegal, arbitrary and unjust by issuing appropriate, writ order or direction one in the nature of writ of Mandamus and pass such other order or orders as this Hon'ble Court deems fit and proper.

Counsel for the Petitioners: MR.M.V.S.SURESH KUMAR

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for Respondent Nos. 2 & 3: Mrs.Nageswara Reddy,

SC for Municipality

The Court, at the admission stage, made the following:

ORDER:

The main grievance of the petitioners in this writ petition is that they made representations on 17.06.2004 and on 11.08.2004 to the respondents seeking to remove the unauthorized business in chips, cement and iron being carried out in residential area of Pathebad Road, R.R. Pet, Eluru, West Godavari District causing air pollution and health hazards to the residents of that area. But, so far the same is not being considered. Hence, they filed the present writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue. Both counsel agreed to dispose of the writ petition at the admission stage.

Since the representations of the petitioners dated 17.06.2004 and 11.08.2004 are said to be pending consideration before the respondents, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the same and pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

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(N.V. RAMANA, J)

Date: 30.12.2004

Nsr/Tvk

.... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, West Godavari District, Eluru.
2 The Commissioner, Eluru Municipality, Eluru, West Godavari Dsitrict.
3 The Chairperson, Eluru Municipality, Eluru, West Godavari Dsitrict.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.